

1 AN ACT concerning truant minors.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by adding Section
5 5-1078.2 as follows:

6 (55 ILCS 5/5-1078.2 new)

7 Sec. 5-1078.2. Truants. A county board may adopt ordinances
8 to regulate truants within the unincorporated areas of its
9 jurisdiction. These ordinances may include a graduated fine
10 schedule for repeat violations, which may not exceed \$100, or
11 community service, or both, for violators 10 years of age or
12 older and may provide for enforcement by citation or through
13 administrative hearings as determined by ordinance. If the
14 violator is under 10 years of age, the parent or custodian of
15 the violator is subject to the fine or community service, or
16 both. As used in this Section, "truants" means persons who are
17 within the definition of "truant" in Section 26-2a of the
18 School Code. A home rule unit may not regulate truants in a
19 manner inconsistent with the provisions of this Section. This
20 Section is a limitation under subsection (i) of Section 6 of
21 Article VII of the Illinois Constitution on the concurrent
22 exercise by home rule units of the powers and functions
23 exercised by the State.

24 Section 10. The Illinois Municipal Code is amended by
25 adding Section 11-5-9 as follows:

26 (65 ILCS 5/11-5-9 new)

27 Sec. 11-5-9. Truants. The corporate authorities of any
28 municipality may adopt ordinances to regulate truants within
29 its jurisdiction. These ordinances may include a graduated fine
30 schedule for repeat violations, which may not exceed \$100, or

1 community service, or both, for violators 10 years of age or
2 older and may provide for enforcement by citation or through
3 administrative hearings as determined by ordinance. If the
4 violator is under 10 years of age, the parent or custodian of
5 the violator is subject to the fine or community service, or
6 both. As used in this Section, "truants" means persons who are
7 within the definition of "truant" in Section 26-2a of the
8 School Code. A home rule unit may not regulate truants in a
9 manner inconsistent with the provisions of this Section. This
10 Section is a limitation under subsection (i) of Section 6 of
11 Article VII of the Illinois Constitution on the concurrent
12 exercise by home rule units of the powers and functions
13 exercised by the State.

14 Section 11. The School Code is amended by changing Section
15 34-4.5 as follows:

16 (105 ILCS 5/34-4.5)

17 Sec. 34-4.5. Chronic truants.

18 (a) Office of Chronic Truant Adjudication. The board shall
19 establish and implement an Office of Chronic Truant
20 Adjudication, which shall be responsible for administratively
21 adjudicating cases of chronic truancy and imposing appropriate
22 sanctions. The board shall appoint or employ hearing officers
23 to perform the adjudicatory functions of that Office.
24 Principals and other appropriate personnel may refer pupils
25 suspected of being chronic truants, as defined in Section 26-2a
26 of this Code, to the Office of Chronic Truant Adjudication.

27 (b) Notices. Before any hearing may be held under
28 subsection (c), the principal of the school attended by the
29 pupil or the principal's designee shall notify the pupil's
30 parent or guardian by personal visit, letter, or telephone of
31 each unexcused absence of the pupil. After giving the parent or
32 guardian notice of the tenth unexcused absence of the pupil,
33 the principal or the principal's designee shall send the
34 pupil's parent or guardian a letter, by certified mail, return

1 receipt requested, notifying the parent or guardian that he or
2 she is subjecting himself or herself to a hearing procedure as
3 provided under subsection (c) and clearly describing any and
4 all possible penalties that may be imposed as provided for in
5 subsections (d) and (e) of this Section.

6 (c) Hearing. Once a pupil has been referred to the Office
7 of Chronic Truant Adjudication, a hearing shall be scheduled
8 before an appointed hearing officer, and the pupil and the
9 pupil's parents or guardian shall be notified by certified
10 mail, return receipt requested stating the time, place, and
11 purpose of the hearing. The hearing officer shall hold a
12 hearing and render a written decision within 14 days
13 determining whether the pupil is a chronic truant as defined in
14 Section 26-2a of this Code and whether the parent or guardian
15 took reasonable steps to assure the pupil's attendance at
16 school. The hearing shall be private unless a public hearing is
17 requested by the pupil's parent or guardian, and the pupil may
18 be present at the hearing with a representative in addition to
19 the pupil's parent or guardian. The board shall present
20 evidence of the pupil's truancy, and the pupil and the parent
21 or guardian or representative of the pupil may cross examine
22 witnesses, present witnesses and evidence, and present
23 defenses to the charges. All testimony at the hearing shall be
24 taken under oath administered by the hearing officer. The
25 decision of the hearing officer shall constitute an
26 "administrative decision" for purposes of judicial review
27 under the Administrative Review Law.

28 (d) Penalties. The hearing officer may require the pupil or
29 the pupil's parent or guardian or both the pupil and the
30 pupil's parent or guardian to do any or all of the following:
31 perform reasonable school or community services for a period
32 not to exceed 30 days; complete a parenting education program;
33 obtain counseling or other supportive services; and comply with
34 an individualized educational plan or service plan as provided
35 by appropriate school officials. If the parent or guardian of
36 the chronic truant shows that he or she took reasonable steps

1 to insure attendance of the pupil at school, he or she shall
2 not be required to perform services.

3 (e) Non-compliance with sanctions. If a pupil determined by
4 a hearing officer to be a chronic truant or the parent or
5 guardian of the pupil fails to comply with the sanctions
6 ordered by the hearing officer under subsection (c) of this
7 Section, the Office of Chronic Truant Adjudication may refer
8 the matter to the State's Attorney for prosecution under
9 Section 3-33.5 ~~3-33~~ of the Juvenile Court Act of 1987.

10 (f) Limitation on applicability. Nothing in this Section
11 shall be construed to apply to a parent or guardian of a pupil
12 not required to attend a public school pursuant to Section
13 26-1.

14 (Source: P.A. 90-143, eff. 7-23-97; 90-566, eff. 1-2-98.)

15 Section 15. The Juvenile Court Act of 1987 is amended by
16 changing Sections 3-1 and 3-15 and by adding Section 3-33.5 as
17 follows:

18 (705 ILCS 405/3-1) (from Ch. 37, par. 803-1)

19 Sec. 3-1. Jurisdictional facts. Proceedings may be
20 instituted under this Article concerning boys and girls who
21 require authoritative intervention as defined in Section 3-3 or
22 who are truant minors in need of supervision as defined in
23 Section 3-33.5 ~~3-33~~.

24 (Source: P.A. 85-1235.)

25 (705 ILCS 405/3-15) (from Ch. 37, par. 803-15)

26 Sec. 3-15. Petition; supplemental petitions. (1) Any adult
27 person, any agency or association by its representative may
28 file, or the court on its own motion may direct the filing
29 through the State's Attorney of a petition in respect to a
30 minor under this Act. The petition and all subsequent court
31 documents shall be entitled "In the interest of, a minor".

32 (2) The petition shall be verified but the statements may
33 be made upon information and belief. It shall allege that the

1 minor requires authoritative intervention and set forth (a)
2 facts sufficient to bring the minor under Section 3-3 or 3-33.5
3 ~~3-33~~; (b) the name, age and residence of the minor; (c) the
4 names and residences of his parents; (d) the name and residence
5 of his legal guardian or the person or persons having custody
6 or control of the minor, or of the nearest known relative if no
7 parent or guardian can be found; and (e) if the minor upon
8 whose behalf the petition is brought is sheltered in custody,
9 the date on which shelter care was ordered by the court or the
10 date set for a shelter care hearing. If any of the facts herein
11 required are not known by the petitioner, the petition shall so
12 state.

13 (3) The petition must allege that it is in the best
14 interests of the minor and of the public that he be adjudged a
15 ward of the court and may pray generally for relief available
16 under this Act. The petition need not specify any proposed
17 disposition following adjudication of wardship.

18 (4) If appointment of a guardian of the person with power
19 to consent to adoption of the minor under Section 3-30 is
20 sought, the petition shall so state.

21 (5) At any time before dismissal of the petition or before
22 final closing and discharge under Section 3-32, one or more
23 supplemental petitions may be filed in respect to the same
24 minor.

25 (Source: P.A. 85-1209; 85-1235; 86-1440.)

26 (705 ILCS 405/3-33.5 new)

27 Sec. 3-33.5. Truant minors in need of supervision.

28 (a) Definition. A minor who is reported by the office of
29 the regional superintendent of schools, or, in cities of over
30 500,000 inhabitants, by the Office of Chronic Truant
31 Adjudication, as a chronic truant may be subject to a petition
32 for adjudication and adjudged a truant minor in need of
33 supervision, provided that prior to the filing of the petition,
34 the office of the regional superintendent of schools, the
35 Office of Chronic Truant Adjudication, or a community truancy

1 review board certifies that the local school has provided
2 appropriate truancy intervention services to the truant minor
3 and his or her family. For purposes of this Section, "truancy
4 intervention services" means services designed to assist the
5 minor's return to an educational program, and includes but is
6 not limited to: assessments, counseling, mental health
7 services, shelter, optional and alternative education
8 programs, tutoring, and educational advocacy. If, after review
9 by the regional office of education, the Office of Chronic
10 Truant Adjudication, or community truancy review board it is
11 determined the local school did not provide the appropriate
12 interventions, then the minor shall be referred to a
13 comprehensive community based youth service agency for truancy
14 intervention services. If the comprehensive community based
15 youth service agency is incapable to provide intervention
16 services, then this requirement for services is not applicable.
17 The comprehensive community based youth service agency shall
18 submit reports to the office of the regional superintendent of
19 schools, the Office of Chronic Truant Adjudication, or truancy
20 review board within 20, 40, and 80 school days of the initial
21 referral or at any other time requested by the office of the
22 regional superintendent of schools, the Office of Chronic
23 Truant Adjudication, or truancy review board, which reports
24 each shall certify the date of the minor's referral and the
25 extent of the minor's progress and participation in truancy
26 intervention services provided by the comprehensive community
27 based youth service agency. In addition, if, after referral by
28 the office of the regional superintendent of schools, the
29 Office of Chronic Truant Adjudication, or community truancy
30 review board, the minor declines or refuses to fully
31 participate in truancy intervention services provided by the
32 comprehensive community based youth service agency, then the
33 agency shall immediately certify such facts to the office of
34 the regional superintendent of schools, the Office of Chronic
35 Truant Adjudication, or community truancy review board.

36 (a-1) There is a rebuttable presumption that a chronic

1 truant is a truant minor in need of supervision.

2 (a-2) There is a rebuttable presumption that school records
3 of a minor's attendance at school are authentic.

4 (a-3) For purposes of this Section, "chronic truant" means
5 a minor subject to compulsory school attendance and who is
6 absent without valid cause from such attendance for 10% or more
7 of the previous 180 regular attendance days and has the meaning
8 ascribed to it in Section 26-2a of the School Code.

9 (a-4) For purposes of this Section, a "community truancy
10 review board" is a local community based board comprised of but
11 not limited to: representatives from local comprehensive
12 community based youth service agencies, representatives from
13 court service agencies, representatives from local schools,
14 representatives from health service agencies, and
15 representatives from local professional and community
16 organizations as deemed appropriate by the office of the
17 regional superintendent of schools, or, in cities of over
18 500,000 inhabitants, by the Office of Chronic Truant
19 Adjudication. The regional superintendent of schools, or, in
20 cities of over 500,000 inhabitants, the Office of Chronic
21 Truant Adjudication, must approve the establishment and
22 organization of a community truancy review board and the
23 regional superintendent of schools or his or her designee, or,
24 in cities of over 500,000 inhabitants, the general
25 superintendent of schools or his or her designee, shall chair
26 the board.

27 (a-5) Nothing in this Section shall be construed to create
28 a private cause of action or right of recovery against a
29 regional office of education or the Office of Chronic Truant
30 Adjudication, its superintendent, or its staff with respect to
31 truancy intervention services where the determination to
32 provide the services is made in good faith.

33 (b) Kinds of dispositional orders. A minor found to be a
34 truant minor in need of supervision may be:

35 (1) committed to the appropriate regional
36 superintendent of schools for a student assistance team

1 staffing, a service plan, or referral to a comprehensive
2 community based youth service agency;

3 (2) required to comply with a service plan as
4 specifically provided by the appropriate regional
5 superintendent of schools;

6 (3) ordered to obtain counseling or other supportive
7 services;

8 (4) subject to a fine in an amount in excess of \$5, but
9 not exceeding \$100, and each day of absence without valid
10 cause as defined in Section 26-2a of The School Code is a
11 separate offense;

12 (5) required to perform some reasonable public service
13 work such as, but not limited to, the picking up of litter
14 in public parks or along public highways or the maintenance
15 of public facilities; or

16 (6) subject to having his or her driver's license or
17 driving privilege suspended for a period of time as
18 determined by the court but only until he or she attains 18
19 years of age.

20 A dispositional order may include a fine, public service,
21 or suspension of a driver's license or privilege only if the
22 court has made an express written finding that a truancy
23 prevention program has been offered by the school, regional
24 superintendent of schools, or a comprehensive community based
25 youth service agency to the truant minor in need of
26 supervision.

27 (c) Orders entered under this Section may be enforced by
28 contempt proceedings.

29 (705 ILCS 405/3-33 rep.)

30 Section 20. The Juvenile Court Act of 1987 is amended by
31 repealing Section 3-33.

32 Section 99. Effective date. This Act takes effect upon
33 becoming law.